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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,128	06/13/2002	Claude Scher	GEMS0160	3222
27256	7590	12/30/2003		
ARTZ & ARTZ, P.C. 28333 TELEGRAPH RD. SUITE 250 SOUTHFIELD, MI 48034			EXAMINER CHARIOUI, MOHAMED	
			ART UNIT 2857	PAPER NUMBER

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,128

Applicant(s)

SCHER ET AL.

Examiner

Mohamed Charioui

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. **Claim 2** is objected to because of the following informalities:

In page 6, line 12, change "memory" to --memory; and--

In page 6, line 13, delete "A diagnostic system as recited in claim 1".

Appropriate correction is required.

- Claim 4** is objected to because of the following informalities:

In page 6, line 16, change "A diagnostic system as recited in claim 4" to -- A diagnostic system as recited in claim 3--.

Appropriate correction is required.

- Claim 5** is objected to because of the following informalities:

Claim 5 recites the limitation "said network" in page 6, line 19. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

- Claim 17** is objected to because of the following informalities:

In page 8, line 2, change "A diagnostic system as recited in claim 17" to --and--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 is considered to be indefinite because it depend on it self.

For the purpose of examination, Examiner considers that claim 4 depends on claim 3.

Claims 8, 9 and 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what claim 8 recites and whether claim 8 is an independent claim or a dependent claim.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 is considered to be indefinite because it depend on it self.

Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 is considered to be indefinite because it depend on it self.

For the purpose of examination, Examiner considers that claim 17 depends on claim 16.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent *granted on an application for patent by another filed in the United States before the invention by the applicant for patent*, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Schleiss et al. (U.S. 6,298,454)

As per claims 1, 7 and 16, Schleiss et al. teach a computer controller coupled to the data acquisition system (see col. 3, lines 15-29); a display device coupled to the computer controller (see col. 4, lines 40-56); the controller receiving data from the data acquisition system, diagnosing a problem in response to the data (see col. 6, line 51 to col. 7, line 9), the controller generating a screen display corresponding to an architectural representation of the data acquisition system (see col. 3, lines 40-51), the controller generating a screen indicia on the display device corresponding to a location of a problem on the schematic representation of the data acquisition system (see col. 3, lines 50-64).

As per claim 2, Schleiss et al. further teach that data is stored in a memory (see col. 6, lines 51-58); and wherein the data is communicated from the data acquisition system (see col. 6, lines 51-58 and Fig. 2).

As per claims 3-5, Schleiss et al. further teach a network coupling the computer controller and the data acquisition system (see col. 6, line 62 to col. 7, line 9).

As per claim 6, Schleiss et al. further teach that the controller has a web browser, the controller generating the screen indicia through the web browser (see col. 16, lines 4-28).

Prior art

4. The prior art made record and not relied upon is considered pertinent to applicant's disclosure:

Price et al. ['674] disclose radiography device with flat panel X-Ray source.

Kelly et al. ['862] disclose web-based medical diagnostic system financial operation planning system and method.

Eryurek et al. ['864] disclose remote analysis of process control plant data.

Contact information


5. Any inquiry concerning this communication from examiner should be directed to Mohamed Charioui whose telephone number is 703 605-4362. The examiner can normally be reached Monday to Friday 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached at 703 308-1677. The fax phone number for the organization where this application is assigned is 703 305-3431.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose number is 703 308-0956.

Mohamed Charioui

12/14/03


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
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